

Reminiscence is an invariable element of remembering - whether it is the remembering of an individual, or of a period of history. In remembering A.R. Desai, one recalls an individual as well as a period of history. ~~For~~ <sup>TO</sup> the total personality of Desai, the period represented many things. But for those in the civil rights movement, the period is that of the coming of age of the movement, in conceptual understanding and in organisation. Desai himself was to some extent a participant, in the form of a friendly onlooker, a supporter and an ever-hungry chronicler.

And the first person singular is an equally invariable element of reminiscence. I first met A.R. Desai in 1981 or 82. He had come to Warangal to take part in some seminar or other at the Kakatiya University where I was then teaching. On one of those evenings there was to be a public meeting of the Andhra Pradesh Civil Liberties Committee (APCLC) at a park in the town. I was then a new recruit to APCLC, whose principal organiser in Warangal at that time was Jeevan Kumar, then as now a teacher of the English language, and a human rights activist by the compulsion of his personality. Having come to know that such an eminent leftist social scientist as A.R. Desai was in town, we naturally asked him to address the meeting. He came there just in time to see a public demonstration of the ways of the State machinery in Andhra Pradesh. Quite without any reason the police got prohibitory orders declared at the venue of the meeting, and gathered there in large numbers armed to the teeth. They were led by the local Asst Supdt of Police, a Bihari gentleman who had no love of democracy or democratic rights. There was no breaking of bones or shedding of blood that evening, but there was plenty of hot argument and verbal contention, with Desai a ~~some~~ bemused onlooker. By the time the argument reached its zenith, the public that could have attended the meeting melted away, and after a while we decided to ~~we~~ desist from further continuation of the fruitless brawl.

As Desai well knew, things got progressively worse in the State. And APCLC had its hands full, doing its job of keeping the voice of democracy alive, surviving four murders of its activists and numerous instances of detention, assault, abduction and imprisonment. One of the reasons why it withstood the difficult times was the constant enlargement of its concerns, and a constant response to ~~criticism~~ criticism even from the most dubious quarters. A valuable lesson the history of the civil rights movement teaches is that one's response to criticism of the inaccuracy of one's theoretical or practical undertaking must not be influenced by the illegitimacy of those making the criticism, so long as its content is rational. A consequence of espousing democracy as a cause is that it forces you to be democratic in your attitudes and

methods too. Your professed aims make it impossible to avoid giving a reasoned answer - in words and deeds - to any critic on the ground that you do not recognise the questioner's right to criticise you. In the beginning this is experienced as an uncomfortable pressure but in the ~~end~~ end it enriches you and your work in a concrete way that no amount of ardour can ever achieve. One only has to compare the ethical integrity of the civil rights movement with the frequent question marks that hang upon the character of other radical and progressive movements to realise this fact.

Criticism of the limitations evident in the civil liberties movement's understanding and effort has come from diverse quarters. From the police whose real grouse is that the movement exists at all; from men of the dominant classes and ruling parties who would like the ugly business of governance to be shrouded in darkness; from persons who in truth do not want the ~~and~~ naxalites' rights to be protected; from insecure beings who want a strong 'law and order' State; from intellectuals who refuse to see that crime, unrest and disorder have social and economic roots; from the Parliamentary Communists and the 'mass line' revolutionaries who thought that the civil liberties movement was giving undeserving publicity to the 'annihilation line' revolutionaries; from those who believed that it has indeed given undeserving prominence to the Communist revolutionary movement as a whole as against other radical movements in society; and so on. The civil liberties movement has faced this barrage of questioning from the moment of its success in making its voice heard. Barring a very little of it, there was none that could be counted as a 'purely' civil liberties criticism, that is to say criticism ~~and~~ emanating from an internal concern ~~at~~ about setting the movement's agenda and understanding right. But the movement has never, for this reason, dismissed its critics. The very fact that a reasonable question is pointed at you indicates that a value or a principle that is accepted by you, or is a logical consequence of what is accepted by you, is violated. And that violation is itself an undemocratic act. That the raising of the question satisfies an illegitimate purpose - or a legitimate purpose, but one other than ~~and~~ correcting your perspective and practice - does not give you the liberty to avoid a response of reflection and correction. This, at any rate, is the attitude adopted by the civil liberties movement, because of the very logic of its espousal of democracy as a cause. And the movement has been enriched tremendously thereby.

The civil liberties effort in Andhra Pradesh was born in response to a need. By the late sixties, the Communist revolutionaries in many parts of India had broken with the CPI(M) and had taken to armed struggle as the preferred path of liberation. In Andhra Pradesh, the politics of armed revolution was heralded by the tribal uprising of Srikakulam. The revolt was crushed mercilessly by the

State. It took to shooting down persons taken into custody and concocting stories of 'encounter' deaths. It took to burning down tribal hamlets and driving the inhabitants out. It took to arresting and torturing people en masse. It took to foisting criminal cases not merely for acts of violence, but all political and even literary activity.

If this had led to a humanist protest from society at large, and if the civil liberties movement had taken off with such a humanist protest as its base, perhaps a more fully rounded and healthy movement for civil rights would have taken birth. But 'society at large' reacted with indifference, ~~for~~ fear and a sectarian reaction to the politics of armed rebellion. 'It is wrong to take to arms' - or perhaps it is premature to take to arms - 'and they are suffering the consequences of their ill-made choice' was the most common political response, whether of the Gandhians or leftists. From that day to this, our society possesses little cultural space for a humanist response that could disagree with the politics of armed rebellion, could even perhaps be critical of the project of using force to create a just society, but could at the same time sympathise with the anger that underlies the choice, and could get angry with the ~~State~~ inhuman response of the State and the illegitimacy of its rhetoric of non-violence. But then the revolutionaries themselves, while they did have plenty of use for such a response, would have had no ~~more~~ honourable place for it in their social philosophy. In the uni-linear scheme of social transformation accepted by them in the name of Marxism-Leninism, then or today, such a humanist response would have no legitimate or natural place. 'If you are not with us, then you are against us' was ~~that~~ - and is - their attitude, too. A humanist ~~response~~ response would ~~in~~ be delegitimised as an attitude of 'petty-bourgeois vacillation' that is to be overcome and not ~~encouraged~~ encouraged, much less engendered ~~it~~ in society, though it is to be used so long as it is there. The unfortunate truth is that while the civil liberties movement has learnt a lot and changed a lot, trying to define itself in terms of democracy ~~in~~ broadly <sup>understood</sup>, the revolutionaries have not changed much ~~in~~ from that day to this, except that experience has taught them to make empirical accomodation for ~~the~~ humanism without the humanist response without any philosophical rethinking.

And so the initial response to the brutal suppression of the revolutionary movement came from the revolutionary sympathisers among the intellectuals. In other words, as the police would sarcastically remark, those revolutionaries who were not yet ready to take up a gun took up the civil rights cause. But what were they to say? Whom were they to address? Most of the time they addressed the people: armed struggle is the answer to people's problems, and as the

armed struggle is being suppressed brutally, the people should resist it and forge ahead to transform their lives. But this much, evidently, could be said by the revolutionaries themselves, and needed no civil rights movement or agitation. However, the civil liberties activists sometimes also addressed the State: do not violate the law, do not torture people, do not kill people without trial. But why should not the State of the feudal and comprador classes do so? As some police officers would say to radical youth undergoing torture at their hands, 'this is class struggle, is it not? Where is the question of civil liberties?' A second question that policemen would frequently ask is: when you reject the system, what right do you have to seek the protection of its laws?

In the beginning the civil liberties movement had a logically unsatisfactory answer to these questions. It was said that since the laws were the laws of the State, the State must necessarily abide by them; or, alternatively, that the revolutionaries who had opted out of the system had a right to defy the law, but the system itself could not claim such a right. But whyever not? Whence this insistence on supra-class morality by those who themselves believed that all morality is class morality? Civil Liberties leaders would frequently say that since the ruling class says it believes in the law, it must necessarily honour it. This implies the universal moral principle that one should necessarily abide by the values one espouses. And there is nothing in the Marxist tradition - let alone in ~~Marxism~~ Marxism-Leninism - that would justify such a principle.

Moreover, somebody was at some point of time bound to ask: 'forget the State and the revolutionaries. How about you? Do you believe in the laws whose implementation you insist on?'. This was a question that the civil liberties movement faced right from the beginning. Do you ask for adherence to certain laws (such as for instance that nobody shall be deprived of life without a due process) because you believe it contains some valuable principle? Do you ask for the Rule of Law because that is in itself a ~~valuable~~ valuable democratic principle? If not, then what is the philosophical basis for your demand that the ruling class must necessarily act lawfully, while in your eyes there is nothing to morally, socially or politically commend that law? What is the rational basis for asking an oppressive system to adhere to a uniformly oppressive law?

Thus the reluctant revolutionaries who were talking of civil liberties were forced to think of concepts such as law, legality and ~~the~~ democracy in terms not fully answered by the notion of the State and its organs as mere instruments of suppression. It is a characteristic example of the philosophical backwardness of the revolutionary communist movement (I say this with full respect for the social, economic and political benefits that have accrued to the people because of the movement) that it has never fully confronted

the philosophical implications of the civil rights cause it has espoused, but has arrived at empirically satisfactory ways of answering uncomfortable questions, without bothering whether all of them add up to a philosophically consistent position.

One answer admits that the law ~~is~~ is basically oppressive, but does contain certain democratic rights which have been incorporated in the statutes in order to put blinkers on the eyes of the people to render them blind to the oppressive nature of the State. All reforms instituted by the State are analysed as fraudulent efforts to put on an appearance of benevolence, and legally enacted democratic rights get no better treatment in this analysis. In less crude terms one may express this by saying that ~~the~~ law ( in particular legal rights) is an 'ideology', which mode of expression implies a distorted or false representation of reality, but does not necessarily impute fraudulent intentions.

While the understanding of the Marxist-Leninist parties, as reflected in their publications, has more or less stopped there, it is possible to give this understanding a more sophisticated content by appealing to notions such as legitimacy ~~of~~ of governance and the consent of the governed as substitutes for the idea of fraudulent manipulation. The revolutionaries themselves would perhaps never concede these notions, for it would imply that real and not fraudulent legitimacy is at all possible, or that the masses can at all consent to their oppression. 2

But there is something unsatisfactory about stopping with even the more sophisticated version of this explanation. The demand that the State should put a stop to extra-judicial executions and torture carries a positive imperative that cannot be explained by it. When you object to the violation of somebody's rights by the State, you are not objecting to the State's inability to live by the standards that create legitimacy for it in the eyes of the masses. That would be a curious reason for passionate objection to the State's acts of oppression. You get angry because of something else. And this something else is the violation of a principle, a value, a norm of governance that you believe is inviolable at the current stage of human advance. This inviolability is an ethical standard and not merely a tool of legitimacy, much less a crude blinkering instrument. The idea that governance should take place within the framework of fair norms and reasonable principles is a civilisational heritage resulting from a history of struggle, questioning and progress. The inviolability of rights is a principle of public morality that indexes the degree of progress achieved in the organisat-

long of human affairs. It is this alone that can explain the imperative tone of one's protest at the trampling upon anybody's rights by the Executive. But this sounds so much like Magna Carta liberalism that the moment it is acknowledged, the civil liberties movement has to stop and take a fresh look at received Marxist or Marxist-Leninist ~~notions~~ notions about democracy and liberalism. What exactly is it that makes liberalism the ideology of the bourgeoisie or the petty-bourgeoisie? What is it that makes bourgeois democracy 'bourgeois'? ~~It~~ Could these things perhaps possess a universal ~~aspect~~ aspect of progress along with the limitations or distortions ~~of~~ associated with the social classes/situations they are historically linked to?

It may be said that one gets angry with an ~~an~~ extra-legal act of the State's because of one's sympathy for the person affected: the revolutionary activist, the agitating worker, the impoverished squatter, etc. In other words, the passion is attached, not to the principle that is violated, but to the object of the violation. It is true enough that in the beginning the civil liberties movement's response to situations of torture, etc., was object-specific. Only the violation of rights of revolutionaries ~~and~~ <sup>of</sup> other such politically privileged individuals/groups gave rise to a civil rights response. It even came to the point that policemen would remark sarcastically that they indulged in torture of everyone that fell in their hands, but it appeared that civil liberties organisations were concerned only about a chosen few of their victims. But it was not long before the civil liberties movement started showing equal concern about torture and death in police custody, irrespective of the political/social nature of the victim. The very logic of their cause made it impossible for them not to do so. This, too, was theorised radically on two counts. One explanation was that most of the criminal suspects who are tortured in police custody are poor people driven to a life of crime or situations of crime by circumstances, and that their torture is part of the oppression of the poor by the exploiters' State. The second was that in custodial torture a <sup>democratic</sup> principle of law is violated, which is wrong irrespective of who is the victim. The first ground is not as universally true in real life as in melodramatic films. Force of circumstance is certainly a factor that runs through the sociology of crime, but ~~however~~ it is inextricably intertwined with voluntary choice, habit, material gain and political advantage. Moreover, as civil liberties activists realise quite soon, the man who robs by ~~force of~~ force of poverty ~~rather~~ most of the time robs others who are only slightly less afflicted by poverty, and then the sympathy one feels for him ceases to be unadulterated enough to justify the ~~claim~~ argument that his torture in police custody is to be opposed on grounds of class sympathy. The second ground, of course, brings us back to the earlier question why we should expect compliance with laws favourable to the people from the State of the exploiting classes. What, in other words, could be the philosophical basis for

the imperative tone of the civil rights movement's demands?

For a civil liberties movement that is umbilically linked to the Marxist-Leninist ~~ka~~ movement, to think of these questions is to rethink accepted Marxist-Leninist notions about democracy, liberalism etc. While the Marxist-Leninist parties are themselves blissfully ignorant of the philosophical need to question their ideas, and are hostile to any attempt by the child they have spawned to raise these questions, the civil liberties movement cannot move further without seeking answers~~x~~ to its philosophical dilemmas. As the civil liberties ~~K~~ movement in Andhra Pradesh lives in an atmosphere where truth in any context is defined in terms of the revolutionary communist parties' stand on the matter, the effort has inevitably met with resistance from revolutionary orthodoxy. But the effort ~~o~~ is nevertheless mandatory.

When Marxism-Leninism as understood and practised by Indian communist parties, revolutionary or parliamentary, is criticised in this regard, it must not be thought that there are other traditions of Marxism that will be helpful in dealing with the philosophical questions that arise from civil liberties practice. If there are any, they would be condemned as irremediably reformist or evolutionary by revolutionary Marxists. Marx's own analysis of the institutions of bourgeois democracy consists of two aspects. ~~xxx~~ In one, their nature is ideological, that is to say they present a distorted picture of capitalist reality whose effect is to obscure the reality of class exploitation and class struggle. In the second, ~~th~~ the institutions are the acme of alienation, the complete estrangement of political society from civil society. Bourgeois freedom and liberty are the most abstract and alienated forms of freedom and liberty, that are to be transcended by a democracy that will realise itself in the human community, in the associated material life of society. Neither of these perspectives helps a civil rights activist to answer the questions posed above, for the only possible answers are ~~o~~ predicated on an understanding of history in which there is a certain over-all progress in the structure and norms of political and legal institutions, which coexists in each period with the particular framework of the oppressive structures and the exploitative relations of that period. This progress is a civilisational treasure as much as the progress in science and technology, whereas it is only in the latter that such progress is philosophically conceptualised by Marx. In the other 'moments' of life, the Marxist tradition speaks only of 'survivals' (a pejorative expression that denotes undesirability) and not heritage, even in the case of art and literature where the 'survivals' are recognised by common sense as a heritage of humankind, a paradox that causes much discomfiture to Marxist thought. It may be said that when democracy is actually realised in the species-life

of the community, in the commonwealth of working people, it will utilise the institutions created in the past. But the analysis of these institutions in terms of ideology and alienating negativity gives no inkling how that could be so. How exactly will today's ideological or alienating structures become tomorrow's liberating institutions?

It is true that in the subsequent Marxist tradition, there have been theories of struggles in the ideological and superstructural terrain, which may appear suitable ~~from~~ as a framework for a perspective on civil liberties. But what is meant by the proponents of such theories is ~~that~~ only the possibility and necessity of contest between the ideology and superstructural practices of the proletariat and those of the bourgeoisie, conceived of as fundamentally different from each other. It is doubtful that the struggle would include an effort to safeguard whatever is positive in the historically inherited institutions and values in the realms of politics, law, education, literature etc. If the notion of struggle for democracy and civil rights is to be located in this outlook, it would refer to the ideals and practices of the future in contest with the dominant values and ~~superstructural~~ practices of the present (the future, which is a total transcendence of the present, being contained in the present only as a tendency or potential struggling to realise itself), and not a struggle for the preservation, transformation and advancement of what is progressive in <sup>the</sup> legitimate institutions of the present, conceived of as the heritage of the struggles and creative efforts of the past. The notion of ideological ~~or~~ superstructural struggle, for all its seeming originality, is coloured by the over-all idiom of transcendence and supercession which is premised on the total negativity of the present, barring the immanent ~~or~~ tendency of its negation, which is the only positive content of the present. To theorise, in the name of ~~ideological~~ ideological struggle, the possibility of human advance through a process of critical acceptance of past heritage and present reality in different aspects of life, and their transformation (not necessarily their total supercession) in a more just and equitable direction would undoubtedly be foreign to the revolutionary spirit of Marx's ideas, and would be roundly condemned as reformism. And yet a large quantity of actual activity in the 'superstructural realm' - including civil liberties - consists of such practices, which poses quite serious philosophical problems for Marxism.

Another nagging question that the civil liberties movement faced from quite early on ~~is~~ is the question of untouchability as a civil rights problem. To any democratic minded outsider looking at Hindu ~~society~~ society, untouchability - and caste in general - would appear to be the ~~most~~ foremost civil rights problem, for it ~~denies~~ denies equal civic status which is the premise of equal rights. And while legal denial of equal civic status is no longer there because caste has been juridically abolished, it is still widely prevalent as a social institution. But to the civil liberties movement, it did not present itself as a problem at all, until pointed out polemically by the rising dalit movement in the eighties. For, apart from the very relevant fact that most civil rights leaders were of the upper castes, the civil liberties movement was not, as noted earlier, a democratic response to the suppression of the Marxist-Leninists, but a Marxist-Leninist response to the suppression of itself. And untouchability was understood, not in civil rights terms, but in Marxist-Leninist terms in which it was a superstructural residue of



feudalism that the revolution, ~~was conceived~~ conceived of as starting with the capture of State power, would get rid of.

And yet the very fact that the movement called itself a civil rights movement forced it to face the caste question more directly than the revolutionaries in their non-civil rights manifestation. The revolutionaries could answer that after the revolution caste would be abolished, but these who worked in the civil rights movement had no such millenarian answer available to the argument that the denial of equal status by caste was a more fundamental violation of civil liberties than being executed extra-judicially in an encounter. Most of them believed that caste is a superstructural question, which is itself a very dubious proposition, but even if that were so, of what use was it for the civil liberties movement which was concerned precisely with such questions?

That the annihilation of caste is a task for the democratic revolution as understood by the ~~the~~ Communist parties follows by impeccable logic from the premises of Marxism. For Marx viewed the (bourgeois) ~~as~~ democratic revolution as getting rid of all the mystifying forms of human relations and replacing them with the single relation of direct economic exploitation. And when the democratic revolution was perceived by the Communist parties as being completed by the working people instead of the bourgeoisie, the task of destroying inherited forms of oppression would naturally devolve upon the working people's revolution. A civil liberties movement tied to such a revolutionary perspective need not have had any difficulty in accepting 'the caste question' as a civil liberties question, but there were two impediments. One is that the completion of the tasks of the proposed revolution turned around capture of State power, to which all other efforts were subordinated. Thus, the civil liberties effort was to concentrate on campaigning against the suppression of the struggle for State power, leaving the resolution of other civil rights questions to the future. That the bourgeois democratic revolutions in Europe did not start the task of vanquishing feudal institutions only after capturing State power has never bothered Indian communists. The second is the philosophical problem that democracy in the Marxist-Leninist tradition as accepted by Indian communist parties is not understood in terms of social relations, institutions, values and norms, but in terms of classes and ~~as~~ class struggle. 'Democratic' is what pertains to certain social classes, such as the peasantry, the petty bourgeoisie, the working class etc, so that, for instance, one can even have such an unbelievable notion as the 'democratic dictatorship' of the working people, an oddity that originated with Lenin. And so democratic practice is that which advances the cause of these classes, in particular helps them to capture State power through the medium of the Communist Party. This peculiar way of understanding democracy, naturally, makes it difficult to think about caste as ~~a~~ a question of denial of democracy. That would require thinking about democracy in terms of social relations, structures, ~~xxxxxxxxxxxxxxxxxxxx~~, instit-

utions, values and norms. Ambedkar's assertion that a caste-ridden society could never ~~be~~ become a democracy would make sense only then, and would only then become integral to the understanding of civil liberties. It was the rise of the dalit movement in Andhra Pradesh and the debate centred on the Mandal Commission that forced the civil liberties movement to reorder its concept of democracy. All this led it into unfamiliar territory where it had to define democracy without at every point referring it to the State or to class conflict, a democracy defined in terms of equality of status and opportunity, equal value <sup>for</sup> all individuals, and institutions and norms of public life that would ~~endanger~~ engender such civic equality. Added to the ~~existing~~ understanding of democracy vis-a-vis the State as a complex of ~~historically established~~ inviolable norms and principles of public life and governance, rather than a question of ideology or legitimacy, this enriched the civil liberties movement's understanding of the terrain of its functioning. To the revolutionary movement that had spawned the civil rights movement, all this inevitable looked like an ~~illegitimate~~ illegitimate confusion of 'base' and 'superstructure', and the contamination of its 'scientific' views with the alien ideology of Ambedkarism.

And once the notion of equality of status, opportunity and value is let into the definition of democracy, it will not stop with the castigation of caste. A number of other social relations and institutions which the civil rights movement had regarded as super-structural or cultural would enter into the arena of its direct ~~concerns~~ concerns. The status of women is an obvious example. The civil rights movement is forced to recognise that while it cannot take on the task of liberation of ~~women~~ women from the domination of men any more than it can liberate the rural poor from exploitation by the landlords, it has a responsibility to discharge and a role to play in the movement for women's liberation, just as it has identified for itself a role in relation to ~~anti-feudal~~ anti-feudal peasant struggles. Statutory disabilities faced by women, non-implementation of equal rights legislation, reservations for women in jobs and political positions, and agitation against violence upon women become the concerns ~~of~~ of the civil rights movement as obviously and evidently as habeas corpus petitions for arrested political activists, and fact findings about fake encounter deaths. But as the principal orientation of the Communist movement vis-a-vis women's problems has been to call upon them to join the anti-feudal struggle and ~~liberate~~ <sup>fight for a</sup> ~~liberation~~ along with the workers and peasants State which will solve their problems, rather than begin by fighting the oppression they face from men and from patriarchal society, this view in which the civic disabilities that women face are equated with violation of any other civil or political right is bound to create, and has created, much disquiet about capitulation to the evil feminists.

In summary, the particular origin of the civil rights movement has implied particular tensions, and a peculiar trajectory of its self-discovery. It has finally to locate itself in relation to the shaping of democratic cultures, practices, institutions and values in social, political and economic life. Given the essentially multi-dimensional and complex nature of this process, any tutelage to unilinear schemes of change is bound to affect its growth. And yet the tutelage is constantly demanded, and its denial is resented. But whatever the resentment, the world outlook of the civil liberties movement can only be a distillate of the democratic content of all past and present struggles for justice and progress, the institutional advances achieved by them, and the norms and values projected by them. Born in the revolutionaries' protest against the suppression of the revolution, the civil rights movement is struggling against inertia, dogmatism and the possessiveness of its progenitor to ~~xxxxxx~~ theorise and realise its own identity. And this it has perforce been doing right in the midst of the heavy work of documenting, exposing and legally battling the violation of civil rights. Just as the fight against the State's suppression of the communist revolutionaries attracts a slanderous ~~xxxxxx~~ campaign of name-calling by the State, the attempt to create an identity for the civil rights movement attracts vituperative attacks from its principal beneficiaries. But unless the identity is clarified and philosophically set up, the entire effort would end fruitlessly, even if the talk of civil liberties goes ~~on~~ on for ever.